



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 2434-99  
15 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 23 October 1997 for four years at age 19. The record reflects that on 27 October 1997 that you were referred to the recruit evaluation unit for evaluation after a "moment of truth" interview in which you revealed an undisclosed history of psychiatric counseling. You reported that at age 14 you underwent one month of inpatient treatment for depression after you cut your arm and were found sitting in your room staring at the wall. You further reported that during this time you experienced suicidal thoughts, feelings of hopelessness and worthlessness, anhedonia, and concentration problems. You also stated that you had been arrested for grand auto theft in January 1997 and breaking entering in August 1997. Neither the psychiatric care nor the arrests were disclosed during your enlistment processing. You were diagnosed with a major depressive disorder and entry level separation was recommended.

On 4 November 1997 you were notified that administrative

separation was being initiated by reason of defective enlistment and induction due to erroneous enlistment as evidenced by the "moment of truth" interview. You were advised of your procedural rights, declined to consult with counsel, and waived the right to have your case reviewed by the general court-martial convening authority. However, you did submit the following statement:

"I agree to the reason of my separation. I just wanted to correct the dates of my offenses. The auto theft occurred in November and I went to court in January of 1993. I received one month in juvenile hall and one year of probation. For the burglary charge, that happened in August of 1992. Charges were thrown out of court. The other thing is I cut my arm while in the hospital."

Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. You were so discharged on 12 November 1997 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. The Board noted your contention that you foolishly acted as if you were depressed in order to be discharged, your regret for these actions, the letters of reference submitted in support of your application, and the civil court records. The Board concluded that your failure to disclose a prior history of psychiatric treatment and your arrest record provided sufficient justification to warrant the assignment of an RE-4 reenlistment code. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director